

## Message Text

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42

ACTION SCSE-00

INFO OCT-01 EA-11 ADP-00 L-03 JUSE-00 INR-10 CIAE-00

NSAE-00 SCA-01 TRSE-00 /026 W

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R 301016 Z MAR 73

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 4131

UNCLAS MANILA 3643

E. O. 11652: N/ A

TAGS: CPRS, EGEN, RP

SUBJ: LAND OWNERSHIP BY FILIPINO/ AMERICAN RE QUASHA DECISION

1. DEPT WILL RECALL THAT OPINION BY PHIL SUPREME COURT IN QUASHA CASE DECLARED INTER ALIA: " THAT, UNDER THE PARITY AGREEMENT" TO OUR CONSTITUTION, CITIZENS OF THE UNITED STATES AND CORPORATIONS AND BUSINESS ENTERPRISES OWNED OR CONTROLLED BY THEM CANNOT ACQUIRE AND OWN, SAVE IN CASES OF HEREDITARY SUCCESSION, PRIVATE AGRICULTURAL LANDS IN THE PHILIPPINES AND THAT ALL OTHER RIGHTS ACQUIRED BY THEM UNDER SAID AMENDMENT WILL EXPIRE ON 3 JULY 1974." ONE OF THE MANY ISSUES THAT REMAINED UNCERTAIN WAS HOW THE DECISION AFFECTED THE TITLE TO REAL PROPERTY PURCHASED BY FILIPINOS WHO SUBSEQUENTLY ACQUIRED U. S. CITIZENSHIP.

2. ON MARCH 22, 1973, SECRETARY OF JUSTICE ABAD SANTOS, IN A FORMAL DEPARTMENT OF JUSTICE OPINION, SPECIFICALLY ADDRESSED THIS ISSUE IN WHICH HE RULED: " THE QUASHA DECISION FINDS NO APPLICATION TO THE ( SITUATION)... RELATING TO ACQUISITIONS OF LANDS BY FORMER FILIPINO CITIZENS, THEN QUALIFIED TO OWN AND HOLD SUCH LANDS, WHO LATER ON LOST THEIR PHILIPPINE CITIZENSHIP. NOTWITHSTANDING THE FACT THAT THEY ARE NOW AMERICAN CITIZENS, THEY RETAIN THEIR TITLE TO OR OWNERSHIP OF SUCH LANDS AND THEIR RIGHTS AS OWNERS REMAIN VIRTUALLY UNAFFECTED. THESE LANDS, HOWEVER, MAY BE TRANSFERRED OR CONVEYED ONLY TO CITIZENS OF THE PHILIPPINES OR TO CORPORATIONS OR ASSOCIA-

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TIONS AT LEAST 60 PERCENT OF THE CAPITAL OF WHICH IS OWNED  
BY SUCH CITIZENS, SAVE IN CASES OF HEREDITARY SUCCESSION.  
( SEC. 14, IN RELATION TO SEC. 9, ART. XIV, NEW  
CONSTITUTION.)"

3. THE OPINION WENT ON TO STRESS THAT CHILDREN OF SUCH  
CLASS OF PERSONS, ALTHOUGH ALIENS, COULD NEVERTHELESS  
ACQUIRE VALID TITLE TO THEIR PARENTS PROPERTY THROUGH  
HEREDITARY SUCCESSION.

4. COPY OF OPINION POUCHED.  
BYROADE

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\*\*\* Current Handling Restrictions \*\*\* n/a

\*\*\* Current Classification \*\*\* UNCLASSIFIED

## Message Attributes

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